

Page: 1	Report Date: 08/30/2002	Agency: New Castle County PD	Complaint: 32-02-086999
Reported Date and Time: FRI 08/30/2002 1021		Initial Crime Report	
Location: 3220 COACHMAN RD SURREY PARK		Wilmington, DE 19803	
M.O. and Incident Overview: MARISSA FISHMAN WF 1 FELL INTO A POOL AND NEARLY DROWN. SUBJECT WAS TAKEN TO AI DUPONT HOSPITAL FOR TREATMENT.			
Grid: 114-372	Sector: 12	County: New Castle	Domestic Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4-F-14 Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Gen Broadcast Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Victim Information

Victim Number: 001	Name: FISHMAN, MARISSA		
Type: Individual	Sex: Female	Race: White	Ethnic Origin: Non-Hispanic
Age: 1	D.O.B.: 12/30/2000		
Address: 3220 COACHMAN RD SURREY PARK Wilmington, DE 19803		Resident Status: Full Time	Home Telephone: (302) 478-5671
Employer/School:		Work Telephone:	
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Injured? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Victim Deceased? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Officer Comments:
Injuries: Unconsciousness		Description of Injuries:	
Parent/Guardian Information: ROCHELLE FISHMAN Same Address as Victim		Parent Telephone:	

Crimes and Associated Information

Victim Number: 001	Crime Seq: 001	Statute:	Crime Description: Casualty Injured Subject No Specific Crime Associated
Location Type: Residence/Home		Status: Service Clear 08/30/2002	Involvement: <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer
General Offense:		Suspected Hate/Bias: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A	
Crime Code: 8191 - Casualty/Injured Subject		Burglary Force Involved: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Witness Information

Sequence: 001	Type: Person Contacted	Name: LONGWILL, BARBARA HELENA	Sex: Female	Race: White	Age: 61	D.O.B.: 03/29/1941
Address: 3220 COACHMAN DR SURREY PARK Wilmington, DE 19803		Home Telephone: (302) 478-5671	Employer/School:		Work Telephone:	
Sequence: 002	Type: Person Contacted	Name: FISHMAN, ALEXANDRA SOSHNA	Sex: Female	Race: White	Age: 6	D.O.B.: 12/21/1993
Address: 3220 COACHMAN SURREY PARK Wilmington, DE 19803		Home Telephone: (302) 478-5671	Employer/School:		Work Telephone:	
Parent/Guardian Information: ROCHELLE FISHMAN Same Address as Witness		Parent Telephone:				
Sequence: 003	Type: Person Contacted	Name: FISHMAN, SAMEUL M	Sex: Female	Race: White	Age: 4	D.O.B.: 06/10/1998
Address: 3220 COACHMAN SURREY PARK Wilmington, DE 19803		Home Telephone: (302) 478-5671	Employer/School:		Work Telephone:	
Parent/Guardian Information: ROCHELLE FISHMAN Same Address as Witness		Parent Telephone:				
Sequence: 004	Type: Person Contacted	Name: ZAVALA, TERESA GARCIA	Sex: Female	Race: White	Age: 38	D.O.B.: 04/23/1964
Address: NOT OBTAINED		Home Telephone:	Employer/School: SELF EMPLOYED - NANNY		Work Telephone:	
Sequence: 005	Type: Not Interviewed	Name: FISHMAN, ROCHELLE	Sex: Female	Race: White	Age: 36	D.O.B.: 01/20/1966
Address: 3220 COACHMAN SURREY PARK Wilmington, DE 19803		Home Telephone: (302) 478-5671	Employer/School:		Work Telephone:	
Sequence: 006	Type: Person Contacted	Name: OX, DEBORAH	Sex: Female	Race: White	Age: 39	D.O.B.: 11/30/1962

Reporting Officer: OFC SCHLOSSER - 2458 2	Supervisor Approval: ANTHONY W SCELSI OJNCAWS Date 08/30/2002 1649
---	--

Page 2		Report Date: 08/30/2002	Agency: New Castle County PD		Complaint: 32-02-086999	
Witness Information Sequence 006 Continued						
Address			Home Telephone	Employer/School	Work Telephone	
NOT OBTAINED FL						
Sequence 007	Type Person Contacted	Name FISHMAN, HARRISON	Sex Male	Race	Age 4	D.O.B. 10/21/1997
Address 3220 COACHMAN SURREY PARK WILMINGTON, DE 19803			Home Telephone (302) 478-5671	Employer/School	Work Telephone	
Parent/Guardian Information			Parent Telephone			
ROCHELLE FISHMAN Same Address as Witness						
Sequence 008	Type Person Contacted	Name LUCAS, ALLISON ANN	Sex Female	Race White	Age 24	D.O.B. 02/16/1978
Address 14 DUNHAM PL APT 4R BROOKLYN, NY 11211			Home Telephone (917) 282-5631	Employer/School	Work Telephone	
Sequence 009	Type Person Contacted	Name LONGWILL, HELEN	Sex Female	Race White	Age 87	D.O.B. 11/12/1914
Address 4638 LIBBIT AVE ENCINO, CA 91436			Home Telephone	Employer/School	Work Telephone	
Sequence 011	Type Parent	Name FISHMAN, ROCHELLE	Sex Unknown	Race	Age	D.O.B.
Address 3220 COACHMAN RD SURREY PARK WILMINGTON, DE 19803			Home Telephone	Employer/School	Work Telephone	
Sequence 012	Type Parent	Name FISHMAN, ROCHELLE	Sex Unknown	Race	Age	D.O.B.
Address 3220 COACHMAN SURREY PARK WILMINGTON, DE 19803			Home Telephone	Employer/School	Work Telephone	
Sequence 013	Type Parent	Name FISHMAN, ROCHELLE	Sex Unknown	Race	Age	D.O.B.
Address 3220 COACHMAN SURREY PARK WILMINGTON, DE 19803			Home Telephone	Employer/School	Work Telephone	
Sequence 014	Type Parent	Name FISHMAN, ROCHELLE	Sex Unknown	Race	Age	D.O.B.
Address 3220 COACHMAN SURREY PARK WILMINGTON, DE 19803			Home Telephone	Employer/School	Work Telephone	

Investigative Narrative

WRITER RESPONDED TO 3220 COACHMAN RD, SURREY PARK, WILMINGTON REFERENCE A DROWNING IN PROGRESS. COUNTY DISPATCH ADVISED THAT A BABY WAS PULLED FROM A POOL, AND THE BABY WAS NOT BREATHING. COUNTY DISPATCH ADVISED THAT THE CALLER WAS UPSET AND NOT LISTENING TO CPR INSTRUCTIONS.

UPON ARRIVAL, WRITER OBSERVED AN AMBULANCE LEAVE THE RESIDENCE. DISPATCH ADVISED THAT THE VICTIM WAS BEING TRANSPORTED TO THE HOSPITAL FOR TREATMENT.

WRITER NOTICED SEVERAL FAMILY MEMBERS PRESENT AT THE RESIDENCE. WRITER CONTACTED BARBARA LONGWILL AND ALEXANDRA FISHMAN. WRITER OBTAINED A BRIEF STATEMENT FROM THEM. BOTH SUBJECTS ADVISED THAT THEY OBSERVED MARISSA FISHMAN WF 1 FLOATING ON HER STOMACH IN THE SHALLOW END OF THE POOL. MARISSA WAS PULLED FROM THE POOL AND CPR WAS ATTEMPTED. THEY ADVISED THAT MARISSA MUST HAVE WALKED THROUGH THE OPEN SLIDING GLASS DOOR THAT WAS LEFT OPEN BY CONSTRUCTION WORKERS WORKING ON THE RESIDENCE. SGT BECKER ARRIVED ON SCENE RIGHT AFTER WRITER. SGT BECKER CONTACTED SOME FAMILY MEMBERS AND CONSTRUCTION WORKERS, AND OBTAINED A BRIEF STATEMENT FROM THEM.

FAMILY MEMBERS PRESENT WERE: DEBORAH FOX, HARRISON FISHMAN, ALLISON LUCAS, HELEN LONGWILL, BARBARA LONGWILL, ALEXANDRA FISHMAN, SAMUEL FISHMAN, AND THE FAMILY NANNY TERESA ZAVALA. WRITER WAS ADVISED THAT ROCHELLE FISHMAN RESPONDED TO AI DUPONT HOSPITAL WITH MARISSA FISHMAN.

SGT BECKER ADVISED WRITER TO SECURE THE SCENE. THE SCENE CONSISTED OF A LARGE INDOOR POOL THAT WAS ATTACHED TO THE RESIDENCE. WRITER OBSERVED A SLIDING GLASS DOOR THAT SEPARATED THE

Reporting Officer
OFC SCHLOSSER - 2458 2

Supervisor Approval
ANTHONY W SCELISI OJNCAWS Date 08/30/2002 1649

Page: 3	Report Date: 08/30/2002	Agency: New Castle County PD	Complaint: 32-02-086999
---------	-------------------------	------------------------------	-------------------------

Investigative Narrative - Continued

INFORMAL DINING ROOM AREA TO THE POOL ROOM.

SGT MCGOWAN, DET TRALA, AND DET BELL ARRIVED ON-SCENE. REFER TO THEIR SUPPLEMENT FOR DETAILS ON INTERVIEWS. EDU OFFICER MURPHY THEN ARRIVED ON SCENE REFERENCE COLLECTION OF EVIDENCE. OFC SANTOS THEN RESPONDED ON-SCENE REFERENCE TRANSLATION FOR THE CONSTRUCTION WORKERS. SGT BECKER ADVISED OFC ALREE AND OFF COTE TO RESPOND TO AI DUPONT HOSPITAL TO STANDBY WITH VICTIM.

DET MALONE RESPONDED TO AI DUPONT HOSPITAL REFERENCE INTERVIEW WITH VICTIM'S MOTHER AND CHECKING ON CONDITION OF VICTIM. AS ALL THE INTERVIEWS AND EVIDENCE WORK WERE COMPLETE, WRITER WAS RELIEVED OF HIS DUTIES. WRITER WAS UNAWARE OF THE VICTIM'S STATUS AT THE HOSPITAL. REFER TO CIU SUPPLEMENTS FOR DETAILS.

Reporting Officer OFC SCHLOSSER - 24582		Supervisor Approval ANTHONY W SCELSI OJNCAWS Date 08/30/2002 1649	
Detective Notified		Referred To	
Solvability Factors	<input type="checkbox"/> Witness <input type="checkbox"/> Suspect Located	<input type="checkbox"/> M. O. <input type="checkbox"/> Suspect Described	<input type="checkbox"/> Trace Stolen Property <input type="checkbox"/> Suspect Identified <input type="checkbox"/> Suspect Named <input type="checkbox"/> Suspect Vehicle Identified Status Has Follow Up

Supplemental Report - #1

Occurrence Dates and Times: 08/30/2002 1013	Grid 114-372	Sector 12
Location: COACHMAN RD SURREY PARK - Wilmington, DE 19803		

Original Victim Information

Number	Name FISHMAN, MARISSA					
Dual	Sex Female	Race White	Ethnic Origin Non-Hispanic	Age 1	D.O.B. 12/30/2000	
COACHMAN RD SURREY PARK Wilmington, DE 19803		Resident Status Full Time	Home Telephone (302) 478-5671	Employer/School		Work Telephone
Person?	Victim Injured?	Victim Deceased?	Officer Comments			
<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Original Crime and Associated Information

Number	Crime Seq 001	Statute	Crime Description Casualty Injured Subject No Specific Crime Associated			
Type Injury/Home	Status Service Clear 08/30/2002	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer		General Offense		
Victim Hate/Bias <input checked="" type="checkbox"/> No - N/A	Crime Code 8191 - Casualty/Injured Subject					
Force Involved <input type="checkbox"/> No						

Witness Information

Type Person Contacted	Name ZAVALA, TERESA GARCIA	Sex Female	Race White	Age 38	D.O.B. 04/23/1964
Home Telephone		Employer/School SELF EMPLOYED - NANNY			Work Telephone
OBTAINED					
Type Person Contacted	Name BRITO-ORTIZ, SALVADOR NMN	Sex Male	Race White	Age 37	D.O.B. 04/11/1965
Home Telephone (302) 654-1984		Employer/School			Work Telephone
VAN BUREN ST WILMINGTON, DE 19801					

Investigative Narrative

Writer responded to 3220 Coachman Road, Surrey Park, Wilmington, DE 19803 reference assist in subject complaint. Upon arrival, writer contacted Detective Trala, and ascertained that Salvador Brito-Ortiz, PC1, and Teresa Zavala, W1, need to be interviewed about the injured subject incident. Writer advises that both PC1 and W1 did not speak fluent English and required Spanish translator to obtain their statements. Writer interviewed W1 and PC1 separately and obtained their statements.

Writer forwarded a copy of this report to CIU at this time.

Statement of Witness 004 - TERESA GARCIA ZAVALA

Teresa Zavala, W1, advised that she and Marissa Fishman, V1, were asleep in her bedroom when she awoke around 0700 hours. W1 advised that she and V1 responded to the kitchen and joined the rest of the family for breakfast. W1 advised that around 0900 hours, she started cleaning the bathroom and bedroom areas of 'Rochelle' and 'Barbara' and heard the children talking in the back area. W1 advised that she assumed that all the children were being watched and continued cleaning around the house. W1 advised that she responded to the kitchen area and was asked by Barbara, '...where is Marissa?', at which time she stated she did not know. W1 advised that she and Rochelle started calling Marissa's name aloud at which time she suddenly heard Alexandra scream, '...here is Marissa...', as she pointed to the pool area. W1 advised that she immediately observed the sliding glass door from the kitchen area to the indoor pool to be open. W1 advised that she observed Rochelle start to run toward the pool area and quickly followed.

W1 advised that as she entered the pool area she observed Marissa, motionless, floating face down in the pool. W1 advised that she then observed two subjects standing on the edge of the pool. W1 advised that she 'froze' and just stared at Marissa floating in the pool as Rochelle

Statement of Witness 004 - TERESA GARCIA ZAVALA - Continued

led the hispanic male subject to the side and dove into the pool towards Marissa.

advised that she observed Rochelle grab Marissa from the pool as she yelled at the two subjects, '...why didn't you move...'. W1 advised that Rochelle handed Marissa to her at which time Rochelle started to push on the stomach of Marissa. W1 advised that she observed water in the mouth of Marissa. W1 advised that the skin color of Marissa was light blue and she had on wearing her pajamas. W1 advised that she placed Marissa on the carpeted floor near the kitchen table as Rochelle continued to push on Marissa's stomach and Barbara started blow air into Marissa's mouth. W1 advised that she observed Marissa cough once. W1 advised that the two subjects seen in the pool area were one white male subject and one hispanic male subject. W1 advised that she had seen these subjects moving one circular table and three chairs from the exterior patio area to the pool area through the unsecured door area. W1 advised that the door between the kitchen area and the pool area is always closed when the children are in the house and the Marissa is incapable to opening the door by herself. W1 advised that she believes that one of these two subjects had left the door open while they were moving the furniture.

Statement of Witness 010 - SALVADOR NMN BRITO-ORTIZ

Salvador Brito-Ortiz, PC1, advised that he had been working on the outdoor patio area with his son, the other white male subject. PC1 advised that he had been working on the masonry on the patio and did observe numerous children playing inside the residence near the kitchen area.

Reporting Officer
SANTOS - 2426

Supervisor Approval
ROBERT C BECKER OJNCRB Date 08/30/2002 1730

Contributing Factors

☐ Witness

☐ M. O.

☐ Trace Stolen Property

☐ Suspect Named

Status
Has Follow Up

08/30/2002

New Castle County PD

32-02-086999

Case 1:05-cv-00211-MPT Document 71-5

Filed 02/16/2006 Page 6 of 8

Supplemental Report - #2

Occurrence Dates and Times: 08/30/2002 1013	Grid 114-372	Sector 12
Location: COACHMAN RD SURREY PARK - Wilmington, DE 19803		

Original Victim Information

Number	Name FISHMAN, MARISSA					
Individual	Sex Female	Race White	Ethnic Origin Non-Hispanic	Age 1	D.O.B. 12/30/2000	
Resident Status Full Time		Home Telephone (302) 478-5671	Employer/School		Work Telephone	
Address COACHMAN RD SURREY PARK Wilmington, DE 19803		Officer Comments				
Is Person?	Victim Injured?	Victim Deceased?				
<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Original Crime and Associated Information

Number	Crime Seq 001	Statute	Crime Description Casualty Injured Subject No Specific Crime Associated			
Location Type Dwelling/Home	Status Service Clear 08/30/2002	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense			
Victim Date/Bias Victim's <input checked="" type="checkbox"/> No - N/A	Crime Code 8191 - Casualty/Injured Subject					
Is Force Involved Is <input type="checkbox"/> No						

Investigative Narrative

Writer responded to the above location on the above date and time reference to a drowning. Prior to arrival writer ascertained the ambulance was transporting the victim to A.I. Hospital. Writer turned around and followed the ambulance to AI Dupont Hospital where writer stayed until writer was released by Det. C. Malone.

Reporting Officer
COTE - 2636

Supervisor Approval
CURTIS M CLIFTON OJNCCMC Date 08/30/2002 1700

Contributing Factors

☐ Witness

☐ M O

☐ Trace Stolen Property

☐ Suspect Named

Status

Occurrence Dates and Times: 08/30/2002 1013	Grid 114-372	Sector 12
Location: COACHMAN RD SURREY PARK Wilmington, DE 19803		

Original Victim Information

Number	Name FISHMAN, MARISSA						
Individual	Sex Female	Race White	Ethnic Origin Non-Hispanic		Age 1	D.O.B. 12/30/2000	
Address COACHMAN RD SURREY PARK Wilmington, DE 19803		Resident Status Full Time	Home Telephone (302) 478-5671		Employer/School	Work Telephone	
Is Person?	Victim Injured?	Victim Deceased?	Officer Comments				
<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

Original Crime and Associated Information

Number	Crime Seq 001	Statute	Crime Description Casualty Injured Subject No Specific Crime Associated				
Location Type Residence/Home	Status Service Clear 08/30/2002	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer		General Offense			
Is Hate/Bias as <input checked="" type="checkbox"/> No - N/A	Crime Code 8191 - Casualty/Injured Subject						
Is Force Involved as <input type="checkbox"/> No							

Witness Information

Type Person Contacted	Name MAGNER, JOHN EDWARD	Sex Male	Race White	Age 64	D.O.B. 08/24/1938
Address BAYNARD BLVD WILMINGTON, DE 19802		Home Telephone (302) 229-9664	Employer/School	Work Telephone	

Investigative Narrative

On the stated date at 1015 hrs writer responded to 3220 Coachman Rd (Surrey Park) reference to a missing person. Prior to arrival writer ascertained Talleyville Fire Company was transporting Marisa Fishman (V1) to A.I. DuPont Hospital for further treatment so therefore writer began to follow ambulance. At Foulk Rd and Shipley Rd Talleyville Fire Company picked up New Castle County Paramedic Unit #8 who also began to provide treatment. After arriving at the hospital writer contacted Ken Getty (Talleyville Fire Company) who provided writer with the Marisa's address. The clothes were not written on today's date @ 1030 hrs.

While at the hospital, Rochelle Fishman (V1's mother) arrived and writer began a brief interview. Rochelle stated to writer that at approximately 1000 hours she responded to her daughter's room to brush her teeth and then responded back out into the living area. Rochelle had a bad feeling and then realized Marisa was missing so therefore began to look for her. At this time Alexandra (Marisa's sister) located Marisa in the swimming pool floating face down and on top of the pool. Rochelle then dove into the pool and pulled Marisa out of the water and her sister, Deborah Longwill-Fox, began CPR. Rochelle further stated that upon pulling out Marisa from the pool she was blue and after CPR was begun Marisa began to gain color in her hands. Rochelle further stated that there were workers at the residence who left the door open to the pool.

While at the hospital writer also contacted John Magner who stated he was working on Rochelle's residence (110 Kelly Dr, Chadds Ford, Pa) when he received a phone call from an unknown person stating Marisa fell into the pool. John then responded to the Surrey Park address and then to A.I. DuPont Hospital.

Dr. Palmer treated Marisa while she was in the Emergency Department and Dr.

Dr. Ryjewski treated Marisa when she was transferred to the Pediatric ICU. See Marisa's medical records for details (#367612).

08/30/2002

New Castle County PD

32-02-086999

Case 1:05-cv-00211-MPT Document 71-5 Filed 02/16/2006 Page 8 of 8

Investigative Narrative - Continued

isa's clothes were tot'd Det. K. Murphy at 3220 Coachman Rd on today's date @ 1337 hours by
er. This case was tot Det. C. Malone.

ng Officer
ALFREE - 2555

Supervisor Approval
ANTHONY W SIELSI OJNCAWS Date 08/30/2002 1654

ity Factors

☐ Witness

☐ M. O.

☐ Trace Stolen Property

☐ Suspect Named

Status
Use Follow Up